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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION**

RENO MAY, an individual;  
ANTHONY MIRANDA, an individual;  
ERIC HANS, an individual; GARY  
BRENNAN, an individual; OSCAR A.  
BARRETTO, JR., an individual;  
ISABELLE R. BARRETTO, an  
individual; BARRY BAHRAMI, an  
individual; PETE STEPHENSON, an  
individual; ANDREW HARMS, an  
individual; JOSE FLORES, an  
individual; DR. SHELDON HOUGH,  
DDS, an individual; SECOND  
AMENDMENT FOUNDATION; GUN  
OWNERS OF AMERICA; GUN  
OWNERS FOUNDATION; GUN  
OWNERS OF CALIFORNIA, INC.;  
LIBERAL GUN OWNERS  
ASSOCIATION; and CALIFORNIA  
RIFLE & PISTOL ASSOCIATION,  
INCORPORATED,

Plaintiffs,

v.

ROBERT BONTA, in his official  
capacity as Attorney General of the  
State of California, and DOES 1-10,

Defendants.

Case No.: 8:23-cv-01696 CJC (ADSx)

**FIRST AMENDED COMPLAINT  
FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

**42 U.S.C. §§ 1983 & 1988**

1 NOW COME Plaintiffs Reno May, Anthony Miranda, Eric Hans, Gary  
2 Brennan, Tony Barretto, Isabelle R. Barretto, Barry Bahrami, Pete Stephenson, Jose  
3 Flores, Andrew Harms, Dr. Sheldon Hough, DDS, The Second Amendment  
4 Foundation, Gun Owners of America, Gun Owners Foundation, Gun Owners of  
5 California, Inc., the Liberal Gun Owners Association, and the California Rifle &  
6 Pistol Association, Incorporated (collectively “Plaintiffs”), and through their  
7 respective counsel, bring this action against Defendant Attorney General Robert  
8 Bonta, in his official capacity, and make the following allegations.

### 9 INTRODUCTION

10 1. In *New York State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022), the  
11 Supreme Court provided its third statement in recent memory affirming that the  
12 Second Amendment is not a second-class right and reiterating that firearm  
13 regulations must comport with the original meaning of the amendment’s text as  
14 understood in the Founding era. In doing so, *Bruen* put an end to discretionary  
15 firearm licensing regimes and vindicated the natural right to be armed in public for  
16 lawful purposes including self-defense. To be sure, the Court restated its dicta from  
17 *District of Columbia v. Heller*, 554 U.S. 570 (2008), enumerating a discrete  
18 category of so-called “sensitive places” where firearms presumptively may be  
19 prohibited survived, but only as a limited exception to the general rule that the  
20 Second Amendment secures a broad right to be armed in all but a very few public  
21 places. Finally, anticipating sophistry from jurisdictions hostile to the Second  
22 Amendment, the Court explained that “there is no historical basis for New York to  
23 effectively declare the island of Manhattan a ‘sensitive place’ simply because it is  
24 crowded and protected generally by the New York City Police Department.” *Bruen*,  
25 597 U.S. at 31.

26 2. Unsurprisingly, however, the California legislature and governor have  
27 treated the central holding in *Bruen* as, at best, policy preferences rather than  
28 constitutional requirements. To that end, California has enacted policies that

1 eviscerate the very right to be armed in public that the plain language of the Second  
2 Amendment secures and that our forebears uniformly understood to preexist any  
3 constitutional text. California’s newly passed Senate Bill 2 (hereafter “SB 2”) turns  
4 the *Bruen* decision on its head, making nearly every public place in California a  
5 “sensitive place” (in name only), and forbidding firearm carry even after someone  
6 has undertaken the lengthy and expensive process to be issued a concealed handgun  
7 license (“CCW permit”) under state law.<sup>1</sup>

8 3. California’s atextual, ahistorical, novel “sensitive places” include  
9 every park and playground, every hospital, all public transportation, any place that  
10 sells alcohol for consumption on the premises (which includes many restaurants  
11 that offer beer and wine with dinner or restaurants with a bar), all land under the  
12 control of the Department of Parks and Recreation or the Department of Fish and  
13 Wildlife (with exceptions for hunting), libraries, churches, banks, and many more.  
14 California’s SB 2 even transforms private businesses into “gun-free zones” by  
15 default, imposing an unprecedented affirmative duty on private business owners to  
16 post signage to authorize people exercising an enumerated constitutional right to  
17 enter the property.

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20 <sup>1</sup> Obtaining a CCW permit in California is already a time-consuming process  
21 involving a lengthy application, police interview, background check with  
22 fingerprints, training course and shooting proficiency exam, psychological exam at  
23 the issuing authority’s discretion, and sometimes more than \$1,000 in fees. Jake  
24 Fogelman, *California City to Charge More Than \$1,000 for Gun Carry Permits*,  
The Reload (Mar. 1, 2023, 3:29 PM), <[https://thereload.com/california-city-  
charges-more-than-1000-for-gun-carry-permits/](https://thereload.com/california-city-charges-more-than-1000-for-gun-carry-permits/)> (as of August 14, 2023). Indeed,  
25 while not the subject of this lawsuit, SB 2 also makes the process to get a CCW  
26 permit even more difficult than it already is, and those portions of the law will also  
27 likely face legal challenges of their own. This case focuses on the pretextual  
28 “sensitive places” doctrine of SB 2. Only law-abiding and responsible citizens  
would willingly subject themselves to California’s onerous CCW permit process  
just to exercise a natural right. SB 2 abuses these citizens’ good faith. Criminals  
will continue to carry illegally.

4. In stark contrast to SB 2, *Bruen* recognized a general right to be armed in public places, subject only to limited, historically valid exceptions. In defiance of that holding, California has made the right a rare exception in most public places. Californians who desire to exercise their enumerated right to carry are essentially limited to some streets and sidewalks (so long as those public places are not adjacent to certain other “sensitive” places), plus a few businesses willing to post a “guns allowed” sign at the risk of potentially losing other customers by doing so.

6. SB 2 creates a patchwork quilt of locations where Second Amendment rights may and may not be exercised, thus making exercise of the right so impractical and legally risky in practice that ordinary citizens will be deterred from even attempting to exercise their rights in the first place.

7. In short, if California must issue ordinary citizens CCW permits after *Bruen*, California has decided that it simply will render these permits effectively useless.

8. Each of the Plaintiffs named in this Complaint, as well as the members and supporters of the associational Plaintiffs, will have their Second Amendment rights to keep ***and bear*** arms infringed if the challenged provisions of SB 2 are not enjoined.

## PARTIES

## Plaintiffs

9. The individual Plaintiffs are law-abiding residents of California who (save one) have CCW permits issued under California Penal Code Section 26150.

10. The associational Plaintiffs are non-profit civil rights organizations representing their members who have CCW permits and who are harmed by SB 2.

1 The associational Plaintiffs have standing independently of the individual Plaintiffs  
2 because their members have standing to sue in their own right (and indeed, several  
3 individual Plaintiffs are also members of the associational Plaintiffs), the right to  
4 carry is germane to their mission to protect Second Amendment rights, and the  
5 constitutional questions presented here do not strictly require the participation of  
6 only individual members. *Int'l Longshore & Warehouse Union v. Nelson*, 599 F.  
7 App'x 701, 702 (9th Cir. 2015).

8 11. Plaintiffs bring this action to vindicate their Second Amendment rights  
9 to publicly bear arms for self-defense.

10 12. All individual Plaintiffs are natural persons and citizens of the United  
11 States.

12 13. All individual Plaintiffs are eligible to possess firearms under state and  
13 federal law and currently own at least one firearm. All individual Plaintiffs also  
14 have valid CCW permits. Each individual Plaintiff desires to carry a firearm in  
15 public just as they did prior to SB 2, especially considering the rising crime  
16 plaguing California.<sup>2</sup>

17 14. Plaintiff Reno May is a resident of Sonoma County, California, and a  
18 law-abiding citizen of the United States. Mr. May has a CCW permit issued  
19 pursuant to California Penal Code Section 26150 by the Sonoma County Sheriff's  
20 Department. Prior to SB 2, Mr. May carried a handgun daily, except when he  
21 visited one of the very few places where that carry was prohibited, such as schools  
22 or courthouses. SB 2 harms Mr. May in many ways, including but not limited to:

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23  
24  
25 <sup>2</sup> Will Shuck, *Amid pandemic, California murder rate shows shocking rise*,  
26 Capitol Weekly (Dec. 8, 2021), <[https://capitolweekly.net/amid-pandemic-  
27 california-murder-rate-shows-shocking-rise/](https://capitolweekly.net/amid-pandemic-california-murder-rate-shows-shocking-rise/)> (as of June 7, 2023) ("Preliminary  
28 numbers from California's biggest cities suggest that 2020's stunning 30-percent  
increase in the statewide murder rate – the largest since 1960 – has continued to rise  
this year....").

- 1 a) Mr. May is a regular customer at a gun store called Sportsman’s Arms,  
2 and he normally carries when he visits that business establishment.  
3 Sportsman’s Arms, however, shares a parking lot with several other  
4 businesses, including an establishment that serves alcohol. Because SB 2  
5 forbids carrying arms even in the parking lots of establishments that serve  
6 liquor, Mr. May cannot carry his sidearm while patronizing Sportsman’s  
7 Arms.
- 8 b) Furthermore, while Sportsman’s Arms may choose to put up a sign  
9 allowing its customers to carry arms in the establishment, most businesses  
10 are unlikely to do so, and Mr. May will be barred by the State from  
11 carrying while he engages in commerce if he also chooses to exercise his  
12 right of self-defense in public.
- 13 c) Under SB 2, Mr. May cannot carry arms when he fills up his car with gas  
14 because every gas station that he patronizes also sells lottery tickets.<sup>3</sup> If a  
15 business sells any out-of-state lottery tickets (i.e., not the California State  
16 Lottery), arms bearing is forbidden within that business and its parking  
17 lot.
- 18 d) Mr. May also cannot exercise his right to public carry in the Santa Rosa  
19 Plaza because the mall hosts an “athletic facility” which is considered a  
20 “sensitive place” under SB 2. He thus cannot carry arms in the mall, in its  
21 parking lot, or on any of the adjacent sidewalks.
- 22 e) Mr. May frequently visits the city of San Francisco and the greater Bay  
23 Area. When he does, he exercises his right to carry while using the Bay  
24 Area Rapid Transit system (“BART”). But for SB 2 and its prohibition  
25

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26 <sup>3</sup> It is important to note that while SB 2 allows private businesses to post  
27 signs affirmatively allowing carry, such signs do not matter if the business serves  
28 alcohol or sells lottery tickets (besides the California lottery). Those are separate  
prohibitions under SB 2.



1 against carrying on public transportation, Mr. May would continue  
2 carrying a firearm for personal protection while using BART, as he would  
3 on all the other public transportation he currently uses.

4 f) While conducting his due diligence research to comply with the post-  
5 *Bruen* changes to California law,<sup>4</sup> Mr. May discovered that there is not a  
6 single location he regularly visits, besides some sidewalks, where he  
7 could actually carry a firearm under SB 2. From his bank to his favorite  
8 restaurants, to his gym, everything is now off-limits. His right to carry a  
9 firearm for personal protection will be effectively eliminated once SB 2  
10 takes effect, in spite of his record of safe and responsible carry and his  
11 valid CCW permit.

12 15. Plaintiff Anthony Miranda is a resident of Kings County, California,  
13 and a law-abiding citizen of the United States. Mr. Miranda has a CCW permit  
14 issued pursuant to California Penal Code Section 26150 by the Kings County  
15 Sheriff's Department. The infringements on Mr. Miranda's Second Amendment  
16 rights caused by SB 2 include but are not limited to:

17 a) Prior to SB 2, Mr. Miranda carried daily, except when he intended to  
18 visit one of the very few places where carry was prohibited, such as  
19 schools or courthouses. SB 2 changes that status quo and now Mr.  
20 Miranda practically cannot carry arms in public.

21 b) For example, most of the restaurants Mr. Miranda frequents serve  
22 alcohol, so he is barred by SB 2 from carrying within those  
23 establishments even if he is not consuming alcohol. He patronizes  
24 Chili's, Applebee's, Buffalo Wild Wings, and other chains of that

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25  
26 <sup>4</sup> Prior to this lawsuit, Mr. May released a video on YouTube in which he  
27 described some of the places where he could no longer carry, despite having his  
28 CCW permit. <<https://youtu.be/ZFW5zU1oEEI>> (as of June 8, 2023). While the  
video was about SB 918, it applies just as much to SB 2, as the list of "sensitive  
places" is identical.

- 1 nature. He also likes to visit local establishments that serve alcohol,  
2 such as Figaro's and El Tarasco, both in Hanford, and Sal's in Selma.
- 3 c) Mr. Miranda does a lot of his shopping in the Hanford Mall. Mr.  
4 Miranda will no longer be able to carry there because some of the  
5 businesses inside it serve alcohol, so he cannot even park his car on the  
6 premises. And even if the mall had no businesses that served alcohol,  
7 it shares a parking lot with restaurants that serve alcohol, so carry is  
8 prohibited in the mall's parking lot and its adjacent sidewalks.
- 9 d) Nor could Mr. Miranda easily stop for gas while publicly carrying  
10 arms, given nearly all gas stations in the State sell both California and  
11 out-of-state lottery tickets.
- 12 e) Mr. Miranda will also be barred from carrying a firearm for self-  
13 defense in his church unless the church chooses to post a sign  
14 affirmatively allowing firearms, even though it doesn't currently  
15 prohibit those with valid CCW permits from carrying. Given recent  
16 attacks in churches that targeted people of faith, Mr. Miranda fears for  
17 his life. He knows that SB 2 would disarm him because he intends to  
18 comply with the law, but those restrictions will not stop criminals  
19 intent on violence from attacking people of faith.
- 20 f) Mr. Miranda cannot carry his licensed sidearm while walking in the  
21 community where he lives, because his community has a park in the  
22 middle of it. Under SB 2, that park and the streets and sidewalks  
23 adjacent to it are now off-limits for Mr. Miranda while he is carrying.  
24 For example, prior to SB 2, he regularly carried his firearm as he  
25 walked to a mailbox across the street from the park to retrieve his mail.  
26 SB 2 now makes that act subject to prosecution under the California  
27 Penal Code.  
28



g) As with Mr. May, these are just a few examples of how SB 2 impacts the right to carry arms in public. Mr. Miranda's right to carry will be infringed by SB 2 once it takes effect, despite his CCW permit.

16. Plaintiff Eric Hans is a resident of Riverside County, California, and a law-abiding citizen of the United States. Mr. Hans has a CCW permit issued pursuant to California Penal Code Section 26150 by the Riverside County Sheriff's Department. He sometimes travels out of state, and therefore also has an out-of-state permit issued by Arizona, which is also valid and recognized in the State of Nevada.

a) Prior to SB 2, Mr. Hans carried daily, except when he visited one of the very few places where carry was prohibited, such as schools or courthouses. SB 2's drastic change in the status quo means that Mr. Hans will no longer be able to carry at nearly all of the places he visits.

b) SB 2 causes even more harm to Mr. Hans than most other people because his employment involves constant travel around Southern California. Mr. Hans carries to defend himself during his regular travel to these unfamiliar areas. Often, he must stop at gas stations in places he has never been before. Being unfamiliar with such areas, he typically has no way to know what types of businesses or facilities exist in any given location, much less will he have advance knowledge of which businesses have taken the step to post signage allowing firearms. Thus, he is at risk of inadvertently violating the law by carrying a firearm during his travels.

c) As part of his business duties, Mr. Hans carries and must deposit large sums of cash at the bank, and he carries a pistol when he does so for his own safety. His bank does not otherwise prohibit his carrying of a concealed firearm, and yet SB 2 strips away his ability to enter a bank

1 or its parking lot (meaning he cannot even leave his gun secured in his  
2 car), despite his CCW permit.

3 d) Mr. Hans lives directly across the street from a city park, so now if he  
4 happens to need to park his car on the street, he risks being in violation  
5 of SB 2. While the new law includes an exception for people who must  
6 walk through a park to access their residence, it is not clear if that  
7 exception applies to the sidewalks and street adjacent to the park. Even  
8 if Mr. Hans is covered by that exception, he frequently goes for walks  
9 in that same park while carrying, and but for SB 2, would continue to  
10 do so.

11 e) Furthermore, Mr. Hans carries in all of the shopping malls, grocery  
12 stores, and restaurants he visits across the state. He also carries at  
13 church every Sunday. These places will now be off-limits to him  
14 unless these destinations affirmatively post a sign announcing that  
15 CCW permit holders are allowed to carry on the property. Of course,  
16 those properties also must not otherwise fall under any other SB 2  
17 restrictions.

18 f) As with the other individual Plaintiffs listed above, this is merely a  
19 sample of the ways Mr. Hans's right to publicly carry arms is harmed,  
20 in spite of his compliance with California's existing (pre-SB 2) laws  
21 on public carry and its CCW permit process.

22 17. Plaintiff Gary Brennan is a resident of San Diego County, California,  
23 and a law-abiding citizen of the United States. Mr. Brennan has a CCW permit  
24 issued pursuant to California Penal Code Section 26150 by the San Diego County  
25 Sheriff's Department. SB 2's harm to Mr. Brennan's right to public carry of arms  
26 includes but is not limited to:

27 a) Mr. Brennan carried a firearm daily, except when he intended to visit  
28 one of the very few places where carry was prohibited, such as schools

1 or courthouses. Due to the changes made by SB 2 to the status quo,  
2 Mr. Brennan will effectively no longer be able to carry at nearly all of  
3 the places he frequents once the law takes effect.

- 4 b) Mr. Brennan is the President of the San Diego County Wildlife  
5 Federation. As part of his duties, he regularly visits and hikes through  
6 public lands. He frequently carries a firearm while performing his  
7 duties. While SB 2 exempts certain areas that allow hunting, Mr.  
8 Brennan regularly travels through areas that do not allow hunting. He  
9 is harmed by SB 2 in both his role as President of the Federation and  
10 his own recreational hobbies.
- 11 c) Mr. Brennan is also a certified CCW firearms instructor/trainer for the  
12 San Diego County Sheriff's Department, and frequently instructs  
13 students how to safely carry a firearm. SB 2's complexity alone affects  
14 his ability to provide certainty and clear guidance to his students, given  
15 all of the places where public carry of a firearm is jeopardized by SB  
16 2's arbitrary and capricious maze of rules.
- 17 d) Mr. Brennan also cannot carry at church, at his bank, or at private  
18 businesses, unless those establishments post the State's required  
19 signage. This is particularly troubling to Mr. Brennan, given that he  
20 frequents many nice restaurants throughout San Diego County and  
21 California generally, and all of them serve alcohol. This is so even if  
22 Mr. Brennan is not consuming alcohol.
- 23 e) Mr. Brennan's position as the President of the San Diego County  
24 Wildlife Federation frequently requires him to carry large sums of cash  
25 to the bank, and he can no longer do so while carrying for self-  
26 protection, due to SB 2.
- 27  
28

1 f) As with the other named Plaintiffs, these are just a few examples of the  
2 many ways Mr. Brennan's right to carry will be harmed by SB 2, in  
3 spite of his compliance with the CCW permit process.

4 18. Plaintiffs Oscar A. Barretto, Jr. and Isabelle R. Barretto are a married  
5 couple who reside in Ventura County, California. They are both law-abiding  
6 citizens of the United States. The Barretts each have CCW permits issued pursuant  
7 to California Penal Code Section 26150 by the Ventura County Sheriff's  
8 Department.

9 a) Prior to SB 2 becoming law, each of them carried daily, except when  
10 they intended to go to one of the very few places where carry was  
11 prohibited, such as schools or courthouses. Due to the status quo  
12 changes made by SB 2, the Barretts are practically unable to carry  
13 arms publicly at nearly all of the places they frequent.

14 b) The need to be able to effectively defend one's self is especially acute  
15 for the Barretts due to Mr. Barretto's former career as a retired  
16 California Bail Fugitive Recovery Agent. His work brought him in  
17 contact with many unsavory individuals, some of whom likely still  
18 harbor ill will towards him. Indeed, his career is one of the major  
19 reasons the Barretts decided to obtain CCW permits in the first place.  
20 Now that SB 2 has rendered those permits largely useless, their lives  
21 are in danger as a result of being unable to bear arms for self-defense.

22 c) The Barretts also attend church regularly and teach Sunday school at  
23 a church that is located on the Camarillo airport grounds. Prior to SB  
24 2, they carried to church in case of a violent attack against people of  
25 faith like them. Now, they can no longer do so. Even if their church  
26 was willing to post signs allowing them to carry, the church's parking  
27 lot is located on government-run airport grounds, and is thus a gun-  
28 free zone under SB 2.

- d) Mr. Barretto also needs to regularly attend doctor's appointments for treatment of his diabetes and for physical therapy. SB 2 now prohibits Mr. Barretto from carrying his means of self-defense during, to, and from all of these medical appointments.
- e) Most of the restaurants the Barrettos frequent, as well as parks and other places of recreation, are now off-limits if they want to exercise their right to carry arms.
- f) The Barrettos do not consume alcohol, and yet SB 2 restricts them from some of their favorite restaurants even though there is no risk of them becoming intoxicated.
- g) As with the other named individual Plaintiffs, these are just a few examples of how the Barrettos will effectively lose their rights to carry once SB 2 takes effect, despite their CCW permits.

19. Plaintiff Barry Bahrami is a resident of San Diego County, California and a law-abiding citizen of the United States. Mr. Bahrami has a CCW permit issued pursuant to California Penal Code Section 26150 by the San Diego County Sheriff's Department.

- a) Prior to SB 2's enactment, Mr. Bahrami carried a firearm daily, except when he visited one of the very few places where such carry was prohibited, like schools or courthouses. Due to the changes made by SB 2, Mr. Bahrami will no longer be able to carry at nearly all the places he frequents once the law takes effect.
- b) Mr. Bahrami has two children aged 10 and 9, respectively. He is a very involved father and takes his children on trips throughout the state. His son is a big fan of trains, including freight trains, and so they visit railroads and public transit stations. Mr. Bahrami rides the train with his children too and carries his firearm as allowed by law, including on weekend trips between Oceanside and San Clemente to get ice cream

1 by the pier. Both children love to play in parks and visit the library, so  
2 Mr. Bahrami takes them to these places frequently. SB 2 will end all  
3 these sorts of trips if Mr. Bahrami insists on exercising his right to be  
4 armed in public to protect his children. Thus, one of his primary  
5 objectives in obtaining a CCW permit is undone by SB 2.

6 c) As with the other individual Plaintiffs, these are just a few examples of  
7 SB 2's impact on law-abiding citizens. Mr. Bahrami's right to carry  
8 will be effectively eliminated once SB 2 takes effect.

9 20. Plaintiff Pete Stephenson is a resident of Alameda County, California,  
10 and a law-abiding citizen of the United States. Mr. Stephenson is a veteran who was  
11 honorably discharged in the mid-2000s. Mr. Stephenson has a CCW permit issued  
12 pursuant to California Penal Code Section 26150 by the Alameda County Sheriff's  
13 Department. The ways in which SB 2 harms Mr. Stephenson include but are not  
14 limited to:

15 a) Prior to SB 2 becoming law, Mr. Stephenson carried daily, except  
16 when he visited one of the very few places where carry was prohibited,  
17 such as schools or courthouses. Due to the changes made by SB 2, Mr.  
18 Stephenson will effectively no longer be able to carry at nearly all the  
19 other places he frequents once the law takes effect.

20 b) One example of the way SB 2 harms Mr. Stephenson is that he  
21 frequently takes his family to visit public attractions in San Francisco,  
22 including Fisherman's Wharf, the city's museums, and parks. While  
23 there, he will often visit banks (e.g., to withdraw cash from an ATM),  
24 dine in restaurants, go shopping, and otherwise enter typical privately  
25 owned businesses that are open to the public like shops, galleries, and  
26 so forth. On these regular trips to San Francisco, the easiest way to  
27 travel is by BART (Bay Area Rapid Transit), from the  
28 Dublin/Pleasanton station near Mr. Stephenson's residence in

1 Livermore, to stations in San Francisco and back. SB 2 will make this  
2 impossible if he wants to exercise his right to carry arms in public  
3 because SB 2 bans carry on public transportation.

4 c) As with the other individual Plaintiffs, these are just a few examples,  
5 and many more could be listed at length. Mr. Stephenson's right to  
6 carry will be effectively eliminated once SB 2 takes effect, despite his  
7 CCW permit.

8 21. Plaintiff Andrew Harms is a resident of Los Angeles County,  
9 California, and a law-abiding citizen of the United States. Mr. Harms has a CCW  
10 permit issued pursuant to California Penal Code Section 26155 by the Glendale  
11 Police Department.

12 a) Prior to SB 2 becoming law, Mr. Harms carried daily, except when he  
13 intended to visit one of the very few places where carry was  
14 prohibited, such as schools or courthouses. Due to the changes made  
15 by SB 2, Mr. Harms will effectively no longer be able to carry at  
16 nearly all of the other places he frequently visits.

17 b) In particular, Mr. Harms takes his children to various places such as  
18 restaurants for meals, parks and playgrounds so they can play, and  
19 libraries so they can check out books. All of those will be off-limits  
20 once SB 2 takes effect.

21 c) As with the other individual Plaintiffs, these are just a few examples,  
22 and many more could be listed at length. Mr. Harms's right to carry  
23 will be effectively eliminated once SB 2 takes effect, despite his CCW  
24 permit.

25 22. Plaintiff Jose Flores is a resident of Fresno County, California, and a  
26 law-abiding citizen of the United States. He has never been found by any law  
27 enforcement agency, any court, or any other government agency to be irresponsible,  
28



1 unsafe, or negligent with firearms in any manner, and he is not prohibited from  
2 owning firearms.

3 a) Mr. Flores has a CCW permit issued by the Fresno County Sheriff's  
4 Department.

5 b) Mr. Flores is a first-generation Mexican American, a small business  
6 owner, and an advocate for Second Amendment rights. He comes from  
7 a family of entrepreneurs who own multiple businesses in Fresno.  
8 During his high school years, Mr. Flores witnessed a brutal murder  
9 outside his family's restraint where a man was mercilessly stabbed  
10 multiple times. It was a transformative experience that reinforced his  
11 unwavering belief in the importance of the right to self-defense and the  
12 Second Amendment – especially the right to be armed in public places.  
13 Since he became eligible to purchase firearms, he has been an avid gun  
14 owner with a genuine interest in protecting and preserving the  
15 constitutional right to keep and bear arms.

16 c) SB 2 will limit Mr. Flores from carrying in most places he frequents  
17 on a daily basis..

18 23. Plaintiff Sheldon Hough, DDS, is a resident of San Bernardino  
19 County, California, and a law-abiding citizen of the United States. Dr. Hough has a  
20 CCW permit issued pursuant to California Penal Code Section 26150 by the San  
21 Bernardino County Sheriff's Department.

22 a) Prior to SB 2's addition to the statute books, Dr. Hough carried arms in  
23 public daily, except when he intended to visit any of the few places  
24 where carry was prohibited, such as schools or courthouses. Due to the  
25 changes made by SB 2, Dr. Hough will effectively no longer be able to  
26 carry at nearly all of the places he frequents.

27 b) Dr. Hough and his wife, who have been married since 1970, have both  
28 made a commitment never to drink alcoholic beverages. There is,

1 therefore, no risk of him becoming intoxicated while he carries arms in  
2 public. Yet under SB 2, if he wants to go out to dinner with his wife,  
3 Dr. Hough cannot do so while carrying because nearly all the  
4 restaurants he patronizes also serve alcohol.

5 c) Due to SB 2, Dr. Hough cannot carry in his own dental office. SB 2  
6 makes Dr. Hough's office off-limits for the public carry of arms for  
7 him and his patients.

8 24. Plaintiff Second Amendment Foundation, Inc. ("SAF") is a non-profit  
9 membership organization. It is incorporated under the laws of the state of  
10 Washington and was founded in 1974. SAF has over 720,000 members and  
11 supporters nationwide, including thousands of members in California. SAF is  
12 dedicated to promoting a better understanding about our constitutional heritage to  
13 privately own, possess, and carry firearms through educational and legal action  
14 programs designed to better inform the public about gun control issues. SAF has  
15 been a pioneer and innovator in defense of the right to keep and bear arms, through  
16 its publications and public education programs like the Gun Rights Policy  
17 Conference. SAF also expends significant sums of money sponsoring public  
18 interest litigation to defend its own interests to disseminate information to like-  
19 minded individuals. SAF members with CCW permits are harmed by SB 2 because  
20 it effectively makes their efforts and the permits themselves futile by making nearly  
21 every public place a "sensitive place" where firearms are forbidden.

22 25. Plaintiff Gun Owners of America ("GOA") is a California non-stock  
23 corporation and a not-for-profit membership organization with its principal place of  
24 business in Springfield, Virginia and is organized and operated as a non-profit  
25 membership organization that is exempt from federal income taxes under Section  
26 501(c)(4) of the U.S. Internal Revenue Code. GOA was formed in 1976 to preserve  
27 and defend the Second Amendment rights of gun owners. It has more than 2 million  
28 members and supporters across the country, including residents within this judicial

1 district and throughout the State of California. GOA members and supporters with  
2 CCW permits are harmed by SB 2 because it effectively makes their permits  
3 pointless by making nearly everywhere they go in their daily lives a place where  
4 carry is forbidden.

5 26. Plaintiff Gun Owners Foundation (“GOF”) is a Virginia non-stock  
6 corporation and a not-for-profit legal defense and educational foundation with its  
7 principal place of business in Springfield, Virginia and is organized and operated as  
8 a non-profit legal defense and educational foundation that is exempt from federal  
9 income taxes under Section 501(c)(3) of the U.S. Internal Revenue Code. GOF was  
10 formed in 1983 and is supported by gun owners across the country, within this  
11 judicial district, and throughout the State of California who, like the individual  
12 Plaintiffs, will be irreparably harmed by the implementation and enforcement of SB  
13 2. GOF’s supporters with CCW permits are harmed by SB 2 because it effectively  
14 makes their permits pointless by making nearly everywhere they go in their daily  
15 lives a place where carry is forbidden.

16 27. Plaintiff Gun Owners of California, Inc. (“GOC”) is a non-profit  
17 organization incorporated under the laws of the state of California with  
18 headquarters in El Dorado Hills, California. GOC is dedicated to the restoration of  
19 the Second Amendment in California. GOC members with CCW permits are  
20 harmed by SB 2 because it effectively makes their permits pointless by making  
21 nearly everywhere they go in their daily lives a place where carry is forbidden.

22 28. Plaintiff Liberal Gun Owners Association of California (“LGC” and  
23 also known as the “Liberal Gun Club of California”) carries a rich tradition in the  
24 state. As a nonprofit mutual benefit organization registered in California, LGC  
25 promotes training and education, diversity, inclusion, and ownership of modern  
26 firearms for self-defense. LGC believes that the new, modern shooter is  
27 intentionally gender-neutral, and they represent an important part of the firearm  
28 owner community. Their members help to represent the minority voices of gun

1 owners across the state. The mission of the LGC is to provide a pro-Second  
2 Amendment voice for left-of-center gun owners in the national conversation on  
3 firearms. To achieve its mission, LGC encourages new participation in shooting  
4 sports and provides firearm safety and shooting instruction programs as well as  
5 providing a forum for civil discourse on Second Amendment issues. LGC's  
6 members and supporters with CCW permits are harmed by SB 2 because it  
7 effectively makes their permits pointless by making nearly everywhere they go in  
8 their daily lives a place where carry is forbidden.

9 29. Plaintiff California Rifle & Pistol Association ("CRPA") is a non-  
10 profit membership and donor-supported organization qualified as tax-exempt under  
11 26 U.S.C. Section 501(c)(4) with its headquarters in Fullerton, California. Founded  
12 in 1875, CRPA seeks to defend the civil rights of all law-abiding individuals,  
13 including the enumerated right to bear firearms for lawful purposes like self-  
14 defense. CRPA regularly participates as a party or amicus in litigation challenging  
15 unlawful restrictions on the right to keep and bear arms. It also provides guidance to  
16 California gun owners regarding their legal rights and responsibilities. CRPA  
17 members include law enforcement officers, prosecutors, professionals, firearm  
18 experts, and the general public. CRPA members with CCW permits are harmed by  
19 SB 2 because it effectively makes their permits pointless by making nearly  
20 everywhere they go in their daily lives a place where carry is forbidden.

21 30. The individual Plaintiffs, and members and supporters of the  
22 associational Plaintiffs, wish to continue to exercise their constitutional rights to  
23 carry a firearm in public for self-defense, but they cannot continue to do so without  
24 risking criminal charges, because SB 2 makes most places off-limits for carry even  
25 for those with valid CCW permits.

26 31. The individual Plaintiffs intend to continue to carry their firearms in all  
27 places they did before SB 2 was enacted and only refrain from doing so in order to  
28 not be charged with a crime. In other words, but for Defendants' enforcement of

1 statutes and policies that prohibit the individual Plaintiffs and members and  
2 supporters of the associational Plaintiffs from lawfully carrying a firearm in public,  
3 they would continue carrying a firearm in public for self-defense.

4 **Defendants**

5 32. Defendant Robert Bonta is the Attorney General of California. He is  
6 the chief law enforcement officer of California. Defendant Bonta is charged by  
7 Article V, Section 13 of the California Constitution with the duty to see that the  
8 laws of California are uniformly and adequately enforced. Defendant Bonta also  
9 has direct supervision over every district attorney and sheriff in all matters  
10 pertaining to the duties of those respective officers. Defendant Bonta's duties also  
11 include informing the public, local prosecutors, and law enforcement regarding the  
12 meaning of the laws of California, including enforcing the law in places where  
13 concealed carry is forbidden as defined by SB 2. He is sued in his official capacity.

14 33. The true names or capacities – whether individual, corporate,  
15 associate, or otherwise – of the Defendants named herein as Does 1 through 10 are  
16 presently unknown to Plaintiffs and are therefore sued by these fictitious names.  
17 Plaintiffs pray for leave to amend this Complaint to show the true names or  
18 capacities of these Defendants if and when they have been determined.

19 **JURISDICTION AND VENUE**

20 34. This Court has original jurisdiction over this civil action under 28  
21 U.S.C. Section 1331 because the claims arise under the Constitution and laws of the  
22 United States, thus raising federal questions.

23 35. This Court also has jurisdiction under 28 U.S.C. Section 1343(a)(3)  
24 and 42 U.S.C. Section 1983 because this action seeks to redress the deprivation,  
25 under color of the laws, statutes, ordinances, regulations, customs, and usages of  
26 the State of California, political subdivisions, and state actors thereof, of the rights,  
27 privileges, and/or immunities secured to all persons and citizens by the United  
28 States Constitution and by Acts of Congress.

36. Plaintiffs' claims for declaratory and injunctive relief are authorized by 28 U.S.C. Sections 2201-02, and their claim for attorneys' fees is authorized by 42 U.S.C. Section 1988.

37. Venue in this judicial district is proper under 28 U.S.C. Section 1391(b)(2) because a substantial part of the events or omissions giving rise to the claims occurred in the Central District, Southern Division. All of the associational Plaintiffs have members who live within Orange County, and Plaintiff CRPA is located in Fullerton. Moreover, a related case that shares Plaintiffs with this case (both Reno May and CRPA) is proceeding in the Southern Division, with the Attorney General also listed as the Defendant. *See Lance Boland, et al. v. Robert Bonta*, Case No. 8:22-cv-01421-CJC(ADSx).

### **THE RIGHT TO KEEP AND BEAR ARMS**

38. The Second Amendment to the United States Constitution provides: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." U.S. Const. amend. II.

39. The Supreme Court has recognized that the Second Amendment right to keep and bear arms is an individual right that contemplates, in part, the right of law-abiding, competent adults to "possess and carry weapons in case of confrontation." *Heller*, 554 U.S. at 592 .

40. The Supreme Court has also held that the Second Amendment, by way of its incorporation through the Fourteenth Amendment, applies equally to prohibit infringements of that right by state and local governments. *McDonald v. City of Chicago*, 561 U.S. 742, 750 (2010).

41. *Heller* established a "text, history, and tradition" framework for analyzing Second Amendment challenges. *Bruen*, 597 U.S. at 19-23 (citing *Heller*, 554 U.S. at 634). The *Heller* Court then assessed the historical evidence to determine the prevailing understanding of the Second Amendment at the time of its ratification in 1791. Based on that assessment, the Court concluded that a District of



1 Columbia statute that prohibited possession of the most common type of firearm in  
2 the nation (the handgun) lacked a Revolutionary-era analog, did not comport with  
3 the historical understanding of the scope of the right, and therefore violated the  
4 Second Amendment. Thus, the District of Columbia’s handgun ban at issue in that  
5 case was declared unconstitutional.

6 42. More recently, the Supreme Court confirmed and clarified *Heller*’s  
7 historical approach to analyzing the Second Amendment’s scope:

8 We reiterate that the standard for applying the Second Amendment is  
9 as follows: When the Second Amendment’s plain text covers an  
10 individual’s conduct, the Constitution presumptively protects that  
11 conduct. The government must then justify its regulation by  
12 demonstrating that it is consistent with the Nation’s historical tradition  
of firearm regulation. Only then may a court conclude that the  
individual’s conduct falls outside the Second Amendment’s  
“unqualified command.”

13 *Bruen*, 597 U.S. at 24.

14 43. In correcting the misapplication of *Heller* by the lower courts between  
15 2010 and 2022, the *Bruen* Court confirmed “that the Second and Fourteenth  
16 Amendments protect an individual’s right to carry a handgun for self-defense  
17 outside the home.” *Id.* at 8.

18 44. The *Bruen* Court retained some dicta from the *Heller* decision and  
19 noted that the carrying of arms may be restricted in certain presumptively “sensitive  
20 places.” But the Court has also noted that “the historical record yields relatively few  
21 18th- and 19th-century ‘sensitive places’ where weapons were altogether  
22 prohibited.” *Id.* at 30.

23 45. The *Bruen* Court issued its own caution about sensitive places,  
24 warning state actors that “expanding the category of ‘sensitive places’ simply to all  
25 places of public congregation that are not isolated from law enforcement defines the  
26 category of ‘sensitive places’ far too broadly [as it] would in effect exempt cities  
27 from the Second Amendment and would eviscerate the general right to publicly  
28 carry arms for self-defense.” *Id.* at 31.



1           46. The Supreme Court unequivocally confirmed “that the Second and  
2 Fourteenth Amendments protect an individual’s right to carry a handgun for self-  
3 defense outside the home.” *Id.* at 10. That right extends to any public area that is  
4 not a “sensitive place.” *Heller*, 554 U.S. at 592, 626-27. Attorney General Bonta  
5 has already conceded that this holding means California can no longer require  
6 subjective “good cause” to obtain a permit.<sup>5</sup>

7           47. The Supreme Court’s current universe of “sensitive places” where the  
8 right can be restricted include “legislative assemblies, polling places, and  
9 courthouses.” *Bruen*, 597 U.S. at 30.

10           48. Beyond those specific places, the Court has instructed courts to  
11 conduct a historical inquiry to determine whether particular areas were considered  
12 (or would have been considered) “sensitive places” during the Founding era. *Id.* at  
13 2135-36. While the Court noted that there may be “new and analogous sensitive  
14 places” to those historically considered as such, it also noted that the term could not  
15 be so broad as to “include all ‘places where people typically congregate.’” *Id.* at  
16 2133.

17           49. The Second and Fourteenth Amendments thus guarantee to all law-  
18 abiding, competent adults the right to carry firearms and ammunition for self-  
19 defense in all public areas that have *not* historically been considered “sensitive  
20 places” or their modern analogues based on relevant history.

21           **[CCW Permit Holders Are Effective First Responders]**

22           50. On July 17, 2022, a gunman opened fire at Greenwood Park Mall in  
23 Greenwood, Indiana. Tragically, the assailant managed to kill three people.

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24  
25           <sup>5</sup> Until recently, California law required “good cause” to issue a permit. Cal.  
26 Penal Code § 26150(a)(2) (Deering 2022). That requirement fails under *Bruen*, as  
27 the Attorney General of California has already confirmed through a legal alert  
28 memorandum he sent out directing state and local officials to cease enforcing it. A  
copy of that legal alert can be found here: <<https://crpa.org/news/blogs/ag-bonta-good-cause-requirement-is-unconstitutional/>> (as of June 7, 2023).

1 Fortunately, his rampage was quickly cut short, thanks to the actions of 22-year-old  
2 Elisjsha Dicken. Dicken, who was legally carrying a concealed handgun, fired on  
3 the attacker, killing him, and ending the slaughter. Dicken's actions likely saved the  
4 lives of his girlfriend, who was there with him, and countless others as well.<sup>6</sup>

5 51. On December 29, 2019, two people were killed in a crowded church in  
6 Texas when an attacker opened fire. A congregant, Jack Wilson, killed the assailant  
7 with his legally carried concealed handgun, stopping the attack in seconds. Other  
8 armed congregants were also present and quickly responded as well.<sup>7</sup>

9 52. On August 4, 2018, 150 children at a back-to-school event in a Florida  
10 park were engaging in festivities when a shooter opened fire. Before anyone could  
11 be injured or killed, an armed bystander who was legally carrying a handgun  
12 stopped the gunman.<sup>8</sup>

13 53. On June 23, 2023, a man wearing a helmet and carrying a rifle walked  
14 into the Turnberry Towers condominium complex in Las Vegas and fired shots at  
15 the front desk. The violent attack was stopped by an armed employee before the  
16  
17

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18 <sup>6</sup> National Review Editors, *A Good Guy with a Gun*, National Review (July  
19 20, 2022, 6:30 AM), <<https://www.nationalreview.com/2022/07/a-good-guy-with-a-gun/>> (as of June 7, 2023) ("Just 15 seconds elapsed between the beginning of the  
20 shooting at the Greenwood Park Mall and Elisjsha Dicken's intervening. Had  
21 Dicken not been there, the three innocent people who were killed would have been  
22 joined by many others.").

23 <sup>7</sup> Travis Fedschun, *Texas Church Shooting: Gunman Kills 2, 'Heroic' Congregants Take Down Shooter*, Fox News (Dec. 29, 2019, 7:47 PM),  
24 <<https://www.foxnews.com/us/texas-church-shooting-texas-injured-active>> (as of  
25 June 7, 2023); Fox News Editors, *Texas Man Who Stopped Church Shooting Says He 'Had To Take Out' Gunman Because 'Evil Exists'*, Fox News (Dec. 30, 2019,  
26 2:39 PM), <<https://www.foxnews.com/us/texas-church-shooting-man-take-out-gunman-west-freeway-church>> (as of June 7, 2023).

27 <sup>8</sup> Kyle Swenson, *Bullets flew at a Florida 'Peace in the City' event for kids. An armed bystander was ready.*, Washington Post (Aug. 7, 2018, 5:00 AM),  
28 <<https://www.washingtonpost.com/news/morning-mix/wp/2018/08/07/bullets-flew-at-a-florida-peace-in-the-city-event-for-kids-an-armed-bystander-was-ready/>> (as of June 7, 2023).

1 man could hurt anyone. A resident who witnessed the incident told reporters the  
2 employee was “a hero who deserves recognition for stepping in.”<sup>9</sup>

3 54. Most criminally violent encounters are not as dramatic as mass  
4 shooting situations, but they still represent deadly threats. On August 31, 2019, a  
5 man in Ohio threatened people in a McDonald’s with a knife. A customer inside  
6 with a carry permit confronted the man at gunpoint. The man put down his knife  
7 and was later arrested by the police without further incident.<sup>10</sup>

8 55. There are countless more examples of legally armed men and women  
9 heroically stopping violent attacks and saving lives. Such actions make armed  
10 citizens “first responders” of the kind that stop violence in public places, even  
11 before the police can arrive.

12 56. One database has recorded over 780 defensive gun-use incidents in  
13 2022 alone.<sup>11</sup> But such databases can only capture incidents reported by the media,  
14 leaving out countless defensive gun uses that did not result in casualties and did  
15 not make the news.

16 57. The five heroic individuals listed above, as well as the thousands more  
17 who have defended themselves with their lawfully carried handguns, come from  
18 diverse backgrounds and all walks of life. But they would have all been considered  
19 *criminals* in California under SB 2, as the people in these examples each carried  
20 somewhere that is forbidden under this new law.

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22 <sup>9</sup> *Man Hailed ‘Hero’ for Stopping Shooter at Condo Complex in Las Vegas*,  
23 Scripps News Las Vegas (June 25, 2023), <[https://scrippsnews.com/stories/man-](https://scrippsnews.com/stories/man-hailed-hero-for-stopping-shooter-at-condo-complex-in-las-vegas/)  
24 [hailed-hero-for-stopping-shooter-at-condo-complex-in-las-vegas/](https://scrippsnews.com/stories/man-hailed-hero-for-stopping-shooter-at-condo-complex-in-las-vegas/)> (as of June 27,  
2023).

25 <sup>10</sup> NBC4 Staff, *Police: Man with Gun Stops Man with Knife in Coshocton*  
*McDonald’s*, NBC4 (Sept. 2, 2019, 11:12 AM),  
26 <[https://www.nbc4i.com/news/local-news/police-man-with-gun-stops-man-with-](https://www.nbc4i.com/news/local-news/police-man-with-gun-stops-man-with-knife-in-coshocton-mcdonalds/)  
[knife-in-coshocton-mcdonalds/](https://www.nbc4i.com/news/local-news/police-man-with-gun-stops-man-with-knife-in-coshocton-mcdonalds/)> (as of June 7, 2023).

27 <sup>11</sup> Heritage Staff, *Defensive Gun Uses in the U.S.*, Heritage (July 26, 2022),  
28 <<https://datavisualizations.heritage.org/firearms/defensive-gun-uses-in-the-us/>> (as  
of June 7, 2023).

**[CCW Permit Holders Are Law-Abiding]**

58. Punishing good people is apparently a feature and not a bug of SB 2. The law targets perhaps the most law-abiding demographic in the country – citizens with CCW permits. Even before the *Bruen* decision, over 40 states were either “shall issue,” where a permit must be issued to all citizens who apply and qualify, or “constitutional carry,” where anyone who is legally eligible to own a gun may carry a pistol concealed or openly without a permit.

59. In California, permit issuance is done at the county level, and most counties in the state were, effectively, “shall issue” despite the unconstitutional good-cause requirement that was previously codified but is now defunct after *Bruen*. For instance, Tehama County Sheriff’s Department stated on its Concealed Weapons Permits website that “Sheriff-Coroner Dave Kain supports the right of law-abiding citizens to keep and bear arms. In this regard, all qualified residents of Tehama County are eligible to apply for a permit to carry concealed weapons.”<sup>12</sup> An identical statement existed on the website before the *Bruen* ruling.<sup>13</sup>

60. Despite most counties in California being effectively “shall issue” for decades before *Bruen*, there have been no crime problems resulting from people who were issued CCW permits in those counties. In fact, last year’s failed SB 918 was opposed by the California State Sheriffs’ Association – in part – because people with CCW permits almost never commit crimes and are not a problem for law enforcement. The Association stated in a letter to all members of the California State Assembly that SB 918 “greatly restricts when and where licensees may carry concealed and could severely restrict the exercising of the right [to bear arms]. . . . [I]ndividuals who go through the process to carry concealed legally are

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<sup>12</sup> <<https://tehamaso.org/concealed-weapons/>> (as of June 8, 2023).

<sup>13</sup> <<https://web.archive.org/web/20210918103718/https://tehamaso.org/administration/licenses-permits/concealed-weapons/>> (archived snapshot as of Sept. 18, 2021).

1 *exceedingly unlikely to violate the law*, yet SB 918 turns much of the state into ‘no-  
2 carry’ zones that will do nothing to foster public safety.”<sup>14</sup>

3 61. The evidence available from other states also establishes how  
4 overwhelmingly peaceable and law-abiding people with CCW permits are. For  
5 example, in 2020, Texas had 1,626,242 active concealed-carry weapon license  
6 holders.<sup>15</sup> That made people with such licenses 5.7% of Texas’s population, yet  
7 according to the Texas Department of Public Safety, they only committed 0.4334%  
8 of the state’s serious crimes, being responsible for just 114 out of a total of 26,304  
9 convictions. Even among those few convictions, only some of the crimes involved a  
10 gun at all. And of the ones that did, license holders were responsible for an even  
11 smaller proportion of them. For example, there were 1,441 convictions for  
12 aggravated assault with a deadly weapon in 2020, but people with a valid concealed  
13 weapon license were just 4 of those, or 0.2776% of the total, which is below their  
14 per-capita 5.7% share of the population as a whole.

15 62. The State of Florida confirms this phenomenon. As of May 31, 2023,  
16 the state had issued a total of 5,764,684 concealed weapon licenses since October 1,  
17 1987, of which 2,598,330 are currently active.<sup>16</sup> In that nearly 26-year timespan,  
18 only 18,290 permits have been revoked (for any reason) without being subsequently  
19 reinstated. This is roughly 0.3% of the total permits issued.

20 63. Florida was the state where the modern right-to-carry movement  
21 originally gathered steam (though a handful of states had liberal permit-issuance  
22 policies before then). The state’s enactment of shall-issue permitting was met with  
23

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24 <sup>14</sup> <[https://www.cocosherriff.org/home/showpublisheddocument/496/](https://www.cocosherriff.org/home/showpublisheddocument/496/637973844465821905)  
25 [637973844465821905](https://www.cocosherriff.org/home/showpublisheddocument/496/637973844465821905)> (emphasis added) (as of Sept. 4, 2023).

26 <sup>15</sup> All data for Texas is from the Texas Department of Public Safety and can  
27 be found at <[https://www.dps.texas.gov/section/handgun-licensing/demographic-](https://www.dps.texas.gov/section/handgun-licensing/demographic-reports-fiscal-year-2020)  
28 [reports-fiscal-year-2020](https://www.dps.texas.gov/section/handgun-licensing/demographic-reports-fiscal-year-2020)> (as of August 14, 2022).

<sup>16</sup> All data for Florida is from the Florida Division of Licensing and can be  
found at <<https://www.fdacs.gov/Divisions-Offices/Licensing/Statistical-Reports>>  
(as of June 7, 2023).

1 breathless predictions of wild west-style violence and “blood in the streets,” but  
2 none of that happened. Indeed, at least one prominent opponent admitted his error.  
3 Florida Representative Ronald A. Silver stated in 1990 that “[t]here are lots of  
4 people, including myself, who thought things would be a lot worse as far as that  
5 particular situation [carry reform] is concerned. I’m happy to say they’re not.”  
6 Clayton E. Cramer & David B. Kopel, “*Shall Issue*”: *The New Wave of Concealed*  
7 *Handgun Permit Laws*, 62 Tenn. L. Rev. 679, 692-93 (1995). John Fuller, general  
8 counsel for the Florida Sheriffs Association, added: “I haven’t seen where we have  
9 had any instance of persons with permits causing violent crimes, and I’m constantly  
10 on the lookout.” *Id.* The Metro Dade Police Department originally kept detailed  
11 records of every incident involving concealed weapon licensees from enactment of  
12 the new law in 1987 until August 31, 1992. They stopped doing so because the  
13 rarity of such incidents made the effort a waste of time. *Id.*

14 64. There are more states with similar data, but Plaintiffs believe these  
15 examples, along with the California State Sheriffs’ Association’s letter, make the  
16 point: Even if Defendants could use “public safety” as a reason to curtail the right  
17 to carry in places that are not truly sensitive (and Defendants cannot, because *Bruen*  
18 forbids such interest balancing), people with carry permits are dramatically more  
19 law-abiding than the population as a whole and are thus unlikely to ever pose a  
20 threat that can be addressed by SB 2’s draconian policies. Fear of CCW permit  
21 holders is irrational, given these statistics. Worse yet, SB 2 dissuades good people  
22 from exercising their rights to carry in most places, where people otherwise would  
23 have a chance to stop or mitigate criminal attacks. SB 2’s ultimate effect is the  
24 continuation of California’s regressive slide into urban anarchy, while law-abiding  
25 citizens are left powerless to defend themselves.

26 65. Recently, after Hawaii passed a law very similar to SB 2, some of the  
27 Plaintiffs in this action filed an amicus brief. *See Wolford v. Lopez*, No. CV 23-  
28 00265 LEK-WRP, 2023 WL 5043805, at \*1 (D. Haw. Aug. 8, 2023). Some of the



1 statistical evidence presented here was presented to that court. The *Wolford* court  
2 relied in part on this evidence to conclude that there is indeed little threat from  
3 people with CCW permits:

4 Although it is possible post-Bruen that more conceal carry  
5 permits are eventually issued in Hawai'i, that alone does not  
6 negate Plaintiffs' position that the vast majority of conceal carry  
7 permit holders are law-abiding. See, e.g., GOA Amicus Brief at  
8 21-22 (stating that Texas in 2020 had [1,441] convictions for  
aggravated assault with a deadly weapon but only four of those  
convictions were people with valid concealed carry permits –  
roughly 0.278% of the total).

9 *Id.* at \*91-92.

## 10 LEGISLATIVE HISTORY OF SB 2

11 66. California politicians (including Attorney General Bonta), angry at the  
12 Supreme Court for striking down the subjective "good cause" standard under which  
13 thousands were wrongly denied their constitutional rights to carry, responded in  
14 kind.

15 67. First, only a short time after the Court's ruling, the California  
16 Department of Justice leaked the names and private confidential individual  
17 addresses of hundreds of thousands of individuals with CCW permits, including  
18 hundreds of judges and other public officials, exposing them to danger.<sup>17</sup>

19 68. Then, in 2022, the legislature tried but failed to pass SB 918. While SB  
20 918 would have made numerous changes to the Penal Code and would have made  
21 *obtaining* a permit much more difficult (in ways that are unconstitutional just as SB  
22 2 does), its most nefarious goal was to make almost every place imaginable a  
23

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24  
25 <sup>17</sup> Katy Grimes, *Assemblyman Patterson Makes Audit Request of Calif. DOJ*  
26 *Over Leaked Gun Owners List*, The California Globe (July 19, 2022, 12:07 PM),  
27 <[https://californiaglobe.com/fr/assemblyman-patterson-makes-audit-request-of-](https://californiaglobe.com/fr/assemblyman-patterson-makes-audit-request-of-calif-doj-over-leaked-gun-owners-list/)  
28 [calif-doj-over-leaked-gun-owners-list/](https://californiaglobe.com/fr/assemblyman-patterson-makes-audit-request-of-calif-doj-over-leaked-gun-owners-list/)> (as of June 7, 2023) ("The DOJ is  
supposed to keep Californians safe. This dump of information does the opposite,'  
Patterson said. 'The Attorney General and Department of Justice should not  
investigate themselves,' Patterson said. 'I don't trust them.'").



1 “sensitive place” where carrying arms is forbidden, even with a CCW permit. The  
2 bill included a “vampire provision” that declared that all private businesses are *per*  
3 *se* “sensitive places” unless the business owners place a sign on their door stating  
4 that firearms are permitted on the premises.

5 69. SB 918 failed last year in part because even law enforcement officers  
6 and their agencies opposed it. The California State Sheriffs’ Association wrote in a  
7 letter to all members of the California State Assembly that “the bill greatly restricts  
8 when and where licensees may carry concealed and could severely restrict the  
9 exercising of the right. Again, individuals who go through the process to carry  
10 concealed legally are exceedingly unlikely to violate the law, yet SB 918 turns  
11 much of the state into ‘no-carry’ zones that will do nothing to foster public  
12 safety.”<sup>18</sup>

13 70. Notably, even after SB 918 failed to pass, there was no flood of violent  
14 crime from people who had only just received CCW permits for the first time. This  
15 is common sense – people who go through a costly and time-consuming application  
16 process so they can carry firearms legally are simply not likely to break the law.  
17 Violent criminals don’t bother with CCW permits and simply carry illegally. This  
18 was just as true before *Bruen* as it is now.

19 71. Unfortunately, SB 918 was resurrected in 2023 in the form of SB 2.  
20 Indeed, the “sensitive places” in SB 2 are identical to those listed in SB 918,  
21 including the “vampire provision.”

22 72. Politicians and their supporting interest groups lined up for a press  
23 conference to announce the bill on February 1, 2023.<sup>19</sup> If there was any doubt that  
24 the point of SB 2 was to repudiate and nullify the *Bruen* ruling, the speakers at the  
25 press conference erased that doubt. A speaker from the Giffords organization  
26

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27 <sup>18</sup> *Supra* note 15.

28 <sup>19</sup> <<https://twitter.com/i/broadcasts/1vAxRAXgXRVJl>> (as of June 7, 2023).

1 complained about the “radical *Bruen* ruling” and lamented the fact that there was a  
2 “flood of applicants” now seeking to exercise their constitutional rights. A speaker  
3 from a similar organization, Brady, said the bill would help with the “disastrous  
4 effect of the *Bruen* decision.”<sup>20</sup>

5 73. At that same press conference, Governor Newsom used air quotes  
6 when discussing the “right” to carry firearms outside the home, making his  
7 contempt for the Constitution clear. He also praised the dissent in *Bruen* and  
8 complained about judges who issued rulings upholding Second Amendment rights.  
9 When a member of the press asked if there was any known issue of people with  
10 CCW permits committing crimes, the Governor dodged the question twice and  
11 instead complained again about the judges he dislikes. He also called *Bruen* a “very  
12 bad ruling.”

13 74. The legislative history of SB 2 is replete with vocal opposition from  
14 law enforcement groups such as the Peace Officers Research Association of  
15 California (PORAC), the largest law enforcement organization in California.  
16 PORAC intends to submit a declaration in support of Plaintiffs’ motion for  
17 preliminary injunction in this matter.

18 75. The California State Sheriffs’ Association also opposed SB 2, just as it  
19 opposed SB 918. In its argument to the State Senate in opposition to SB 2, the  
20 Association reiterated that “[t]he circumstance of a CCW holder committing a  
21 crime is exceedingly rare yet this bill imposes overreaching provisions that will  
22 likely be challenged in court, leaving uncertainty in issuance procedures. Instead of  
23 focusing on a law-abiding population, efforts should address preventing gun crimes  
24 committed by those who disobey the law and holding them accountable.”

25 76. Other law enforcement groups in opposition to SB 2 include:  
26 Arcadia Police Officers’ Association

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27  
28 <sup>20</sup> *Id.*

1 Burbank Police Officers' Association  
2 California Coalition of School Safety Professionals  
3 Claremont Police Officers Association  
4 Corona Police Officers Association  
5 Culver City Police Officers' Association  
6 Deputy Sheriffs' Association of Monterey County  
7 Fullerton Police Officers' Association  
8 Los Angeles School Police Officers Association  
9 Murrieta Police Officers' Association  
10 Newport Beach Police Association  
11 Orange County Sheriff's Department  
12 Palos Verdes Police Officers Association  
13 Placer County Deputy Sheriffs Association  
14 Pomona Police Officers' Association  
15 Riverside County Sheriff's Office  
16 Riverside Police Officers Association  
17 Riverside Sheriffs' Association  
18 San Bernardino County Sheriff's Department  
19 Santa Ana Police Officers Association  
20 Upland Police Officers Association

21 77. In addition to ignoring the widespread opposition from law  
22 enforcement, the legislature ignored district court rulings that struck down large  
23 portions of similar laws passed by New York and New Jersey while drafting SB 2.  
24 Undaunted, the California legislature acted on Governor Newsom's instructions and  
25 passed SB 2.

26 78. In the legislative findings for SB 2, the authors wrote that "when it  
27 comes to restrictions on carrying firearms in public, the United States Supreme  
28 Court has recognized three times that states may restrict the carrying of firearms in

1 ‘sensitive places.’” The findings predictably omit the Court’s warnings against  
2 making effectively every place a “sensitive place,” including its admonition that  
3 “there is no historical basis for New York to effectively declare the island of  
4 Manhattan a ‘sensitive place’ simply because it is crowded and protected generally  
5 by the New York City Police Department.” *Bruen*, 597 U.S. at 31.

6 79. In other legislative findings, the authors attempted to place blame on  
7 people with CCW permits for criminal violence, stating that “[b]roadly allowing  
8 individuals to carry firearms in most public areas increases the number of people  
9 wounded and killed by gun violence.” Yet the data from other states is clear; people  
10 with CCW permits very rarely commit crimes. Indeed, the legislative findings  
11 contain **no evidence** that *people with CCW permits* commit a large share of crime  
12 because no such evidence exists. Nor is there evidence to suggest that the majority  
13 of California counties, which were “shall issue” in practice before *Bruen*, had any  
14 significant number of crimes committed by people exercising their rights pursuant  
15 to California’s then-existing CCW policies. SB 2 is not a response to any public  
16 safety crisis. It is a response to a political crisis by a legislature and governor who  
17 believe they can score points with their voters by restricting the constitutionally  
18 enumerated rights of others.

19 80. While many of SB 2’s changes and additions to the Penal Code are  
20 unconstitutional and likely will face legal challenges in other cases, this Complaint  
21 is focused on how SB 2 makes nearly everywhere in California off-limits for  
22 licensed firearm carry, even for those with a valid CCW permit.

### 23 **GENERAL ALLEGATIONS**

#### 24 **[Impact of SB 2 on the Public Carry of Arms]**

25 81. SB 2 adds Section 26230 to the Penal Code, which reads in pertinent  
26 part as follows:

27 (a) A person granted a license to carry a pistol, revolver, or other  
28 firearm capable of being concealed upon the person pursuant to

1 Section 26150, 26155, or 26170 shall not carry a firearm on or into any  
2 of the following:

3 (1) A place prohibited by Section 626.9.

4 (2) A building, real property, or parking area under the control of a  
5 preschool or childcare facility, including a room or portion of a  
6 building under the control of a preschool or childcare facility. Nothing  
7 in this paragraph shall prevent the operator of a childcare facility in a  
8 family home from owning or possessing a firearm in the home if no  
9 child under child care at the home is present in the home or the firearm  
in the home is unloaded, stored in a locked container, and stored  
separately from ammunition when a child under child care at the home  
is present in the home so long as the childcare provider notifies clients  
that there is a firearm in the home.

10 (3) A building, parking area, or portion of a building under the control  
11 of an officer of the executive or legislative branch of the state  
12 government, except as allowed pursuant to paragraph (2) of  
subdivision (b) of Section 171c.

13 (4) A building designated for a court proceeding, including matters  
14 before a superior court, district court of appeal, or the California  
Supreme Court, parking area under the control of the owner or  
15 operator of that building, or a building or portion of a building under  
16 the control of the Supreme Court, unless the person is a justice, judge,  
or commissioner of that court.

17 (5) A building, parking area, or portion of a building under the control  
18 of a unit of local government, unless the firearm is being carried for  
purposes of training pursuant to Section 26165.

19 (6) A building, real property, and parking area under the control of an  
20 adult or juvenile detention or correctional institution, prison, or jail.

21 (7) A building, real property, and parking area under the control of a  
22 public or private hospital or hospital affiliate, mental health facility,  
nursing home, medical office, urgent care facility, or other place at  
23 which medical services are customarily provided.

24 (8) A bus, train, or other form of transportation paid for in whole or in  
25 part with public funds, and a building, real property, or parking area  
26 under the control of a transportation authority supported in whole or in  
part with public funds.

27 (9) A building, real property, and parking area under the control of a  
28 vendor or an establishment where intoxicating liquor is sold for

consumption on the premises.

(10) A public gathering or special event conducted on property open to the public that requires the issuance of a permit from a federal, state, or local government and sidewalk or street immediately adjacent to the public gathering or special event but is not more than 1,000 feet from the event or gathering, provided this prohibition shall not apply to a licensee who must walk through a public gathering in order to access their residence, place of business, or vehicle.

(11) A playground or public or private youth center, as defined in Section 626.95, and a street or sidewalk immediately adjacent to the playground or youth center.

(12) A park, athletic area, or athletic facility that is open to the public and a street or sidewalk immediately adjacent to those areas, provided this prohibition shall not apply to a licensee who must walk through such a place in order to access their residence, place of business, or vehicle.

(13) Real property under the control of the Department of Parks and Recreation or Department of Fish and Wildlife, except those areas designated for hunting pursuant to Section 5003.1 of the Public Resources Code, Section 4501 of Title 14 of the California Code of Regulations, or any other designated public hunting area, public shooting ground, or building where firearm possession is permitted by applicable law.

(14) Any area under the control of a public or private community college, college, or university, including, but not limited to, buildings, classrooms, laboratories, medical clinics, hospitals, artistic venues, athletic fields or venues, entertainment venues, officially recognized university-related organization properties, whether owned or leased, and any real property, including parking areas, sidewalks, and common areas.

(15) A building, real property, or parking area that is or would be used for gambling or gaming of any kind whatsoever, including, but not limited to, casinos, gambling establishments, gaming clubs, bingo operations, facilities licensed by the California Horse Racing Board, or a facility wherein banked or percentage games, any form of gambling device, or lotteries, other than the California State Lottery, are or will be played.

(16) A stadium, arena, or the real property or parking area under the control of a stadium, arena, or a collegiate or professional sporting or eSporting event.



1 (17) A building, real property, or parking area under the control of a  
2 public library.

3 (18) A building, real property, or parking area under the control of an  
4 airport or passenger vessel terminal, as those terms are defined in  
5 subdivision (a) of Section 171.5.

6 (19) A building, real property, or parking area under the control of an  
7 amusement park.

8 (20) A building, real property, or parking area under the control of a  
9 zoo or museum.

10 (21) A street, driveway, parking area, property, building, or facility,  
11 owned, leased, controlled, or used by a nuclear energy, storage,  
12 weapons, or development site or facility regulated by the federal  
13 Nuclear Regulatory Commission.

14 (22) A church, synagogue, mosque, or other place of worship,  
15 including in any parking area immediately adjacent thereto, unless the  
16 operator of the place of worship clearly and conspicuously posts a sign  
17 at the entrance of the building or on the premises indicating that  
18 licenseholders are permitted to carry firearms on the property. Signs  
19 shall be of a uniform design as prescribed by the Department of Justice  
20 and shall be at least four inches by six inches in size.

21 (23) A financial institution or parking area under the control of a  
22 financial institution.

23 (24) A police, sheriff, or highway patrol station or parking area under  
24 control of a law enforcement agency.

25 (25) A polling place, voting center, precinct, or other area or location  
26 where votes are being cast or cast ballots are being returned or  
27 counted, or the streets or sidewalks immediately adjacent to any of  
28 these places.

(26) Any other privately owned commercial establishment that is open  
to the public, unless the operator of the establishment clearly and  
conspicuously posts a sign at the entrance of the building or on the  
premises indicating that licenseholders are permitted to carry firearms  
on the property. Signs shall be of a uniform design as prescribed by the  
Department of Justice and shall be at least four inches by six inches in  
size.

(27) Any other place or area prohibited by other provisions of state  
law.

1 (28) Any other place or area prohibited by federal law.

2 (29) Any other place or area prohibited by local law.

3 Cal. Penal Code § 26230(a).

4 82. This case does not involve a challenge to any of the presumptively  
5 “sensitive places” currently identified by the U.S. Supreme Court. Rather, the focus  
6 of this suit is the radical expansion of so-called “sensitive places” made by SB 2.

7 83. SB 2 leaves Plaintiffs with few, if any, places they can carry arms for  
8 self-defense. For example:

- 9 a) If Plaintiffs have to pick up a child from daycare, they cannot carry a  
10 weapon for self-defense and/or the defense of their child.
- 11 b) If they are going into any building (or adjacent parking lot) under the  
12 control of an officer of the State’s legislative or executive branch, or of  
13 a local government, they cannot carry there, even in the absence of any  
14 posted signage and even if they are not aware of who controls the  
15 building or the parking lot.
- 16 c) Plaintiffs are forbidden to exercise their rights where a municipality  
17 provides city-owned public parking in a downtown area or shopping  
18 center to allow for commerce to be conducted. CCW holders cannot  
19 park in those areas, notwithstanding that the CCW holder is present in  
20 that parking lot to transact business wholly unrelated to any  
21 government function or agency, e.g., to make purchases at a mall,  
22 deposit cash at a bank, etc. Under SB 2, every municipally owned  
23 parking lot is now a no-go “gun free zone” for concealed carry permit  
24 holders exercising their rights to public carry of arms. Plaintiffs may  
25 have no idea they are even violating the law if it is not clear who owns  
26 the building or parking lot they have entered.
- 27 d) Plaintiffs cannot carry arms into a building where medical services are  
28 provided, even if those services are only provided in some rooms in

- 1 the building, and they are not aware of it, as this would violate SB 2.
- 2 e) SB 2 makes all public transportation off-limits for carry, effectively
- 3 nullifying a constitutional right when Plaintiffs (or other people with
- 4 CCW permits) must rely on public transportation to conduct their daily
- 5 activities, including going to and from work, grocery shopping, and
- 6 other common activities. SB 2 thus creates a means-test (access to
- 7 private transportation) for the exercise of a constitutionally enumerated
- 8 right that shall not be infringed.
- 9 f) If Plaintiffs (or other permit holders) park in a parking lot of an
- 10 establishment where alcohol is served while they are carrying, even if
- 11 they do not enter that establishment, they are in violation of SB 2.
- 12 g) All major “public gatherings” are also off-limits, as are playgrounds,
- 13 athletic areas and facilities, and parks, as well as the streets and
- 14 sidewalks adjacent to them. Since public gatherings often involve the
- 15 exercise of other constitutional rights (speech, assembly, petition,
- 16 religious exercise), Plaintiffs are required to trade one constitutional
- 17 right for another.
- 18 h) The public carry of arms is now forbidden even on land operated by
- 19 the Department of Parks and Recreation or Department of Fish and
- 20 Wildlife, except in those areas that allow hunting or recreational
- 21 shooting.
- 22 i) Plaintiffs also would be forbidden to carry in casinos or their parking
- 23 lots, as well as almost anywhere lottery tickets are sold. Because
- 24 almost all businesses that sell California lottery tickets also sell multi-
- 25 state lottery tickets (like Powerball), SB 2 eliminates just about every
- 26 convenience store, gas station, and grocery store from being a place
- 27 where a person can carry arms to protect themselves. Thus, even if
- 28 those businesses put up a sign affirmatively allowing their patrons to

1 carry arms on the premises to undo SB 2's unprecedented vampire  
2 provision, other SB 2 provisions independently make customers' carry  
3 illegal.

- 4 j) Plaintiffs who wish to exercise their rights to carry are also excluded  
5 from stadiums, arenas, public libraries, airports, amusement parks,  
6 zoos, museums, all places of worship that do not affirmatively post  
7 signs allowing firearms, and financial institutions. Additionally, the  
8 parking lots of all such places are also considered "sensitive places"  
9 Under SB 2.
- 10 k) Perhaps most egregiously of all, SB 2 adds a "vampire clause" for  
11 private businesses. While some states with "shall issue" permitting  
12 systems allow private businesses to put up signs that forbid carrying  
13 arms into the business, SB 2 inverts that policy. If a business wants to  
14 welcome people with carry permits, it is compelled to put a sign on its  
15 door saying so. In the parts of California hostile to Second  
16 Amendment rights, most businesses will opt not to post such a sign  
17 (politically unpopular speech) for fear of public backlash, further  
18 ostracizing Plaintiffs. There is no historical basis for this kind of  
19 compelled speech on businesses that wish to *allow* constitutionally  
20 permissible activity in their privately owned places of public  
21 accommodation. Whether or not a business is actually sensitive, of  
22 course, is not determined by the desires of the State or even of that  
23 business. It is either categorically justified pursuant to *Bruen's*  
24 exacting historical test, or it isn't. It cannot be made sensitive based on  
25 the subjective desires of the State or a business's owners.
- 26 l) On top of all of that, SB 2 also allows local governments unfettered  
27 and open-ended discretion to create additional places where carry is  
28 forbidden, though it is difficult to imagine what is left to restrict.

1           84. In essence, Plaintiffs are left with some streets, some sidewalks, a few  
2 parking lots, and a handful of private businesses that are willing to put up signs  
3 allowing carry (so long as those businesses are not restricted under another SB 2  
4 provision) as places where they can exercise their rights to carry arms for self-  
5 defense in public.

6           85. Plaintiffs cannot carry arms for self-defense at all if they use public  
7 transportation for their daily affairs, and even those who own their own vehicles  
8 risk having to constantly leave their firearms in their car, exposing them to theft.

9           86. SB 2 infringes the right of self-defense of law-abiding citizens while  
10 empowering violent predators with the knowledge that they are unlikely to  
11 encounter armed resistance at nearly any public place. Indeed, criminals will have  
12 even greater freedom to act with impunity because, absent preliminary and  
13 permanent injunctive relief, even existing permit holders will be almost entirely  
14 prohibited from carrying in public.

15           87. SB 2 makes obtaining a CCW permit futile. Plaintiffs now have far  
16 fewer places to exercise the right to carry than they did before SB 2 and even before  
17 *Bruen*. They effectively have to map out their entire day ahead of time (including  
18 consulting property records) if they want to try and exercise their right to carry  
19 arms in public to ensure they do not inadvertently stray into a prohibited place.

20           88. The State bears the burden to prove that all areas included in SB 2 are  
21 supported by a broad and enduring early American tradition of identical or  
22 relevantly similar regulation. *Bruen*, 597 U.S. at 17 (explaining that the government  
23 must “justify its regulation by demonstrating that it is consistent with the Nation’s  
24 historical tradition of firearm regulation”).

25           89. The State cannot meet its burden under *Bruen*; there are *no* relevantly  
26 similar historical analogues restricting arms in the myriad places that SB 2  
27 transmutes into “sensitive places”—let alone a widespread tradition of state  
28 regulation broad enough to survive review.

1           90. The Supreme Court held that some places may be “sensitive” but that  
2 the historical record supports the existence of “relatively few” such places. *Bruen*,  
3 597 U.S. at 30. Making nearly every public place a “sensitive place,” the State has  
4 eviscerated the right to bear arms and acts in open defiance of the Supreme Court.

5           91. All but one of the Plaintiffs had a CCW permit before *Bruen*. Their  
6 rights are now diminished by SB 2 after *Bruen*.

7           92. But for the adoption and enforcement of SB 2, the individual Plaintiffs  
8 and members and supporters of the associational Plaintiffs with CCW permits  
9 would carry firearms and ammunition in places that do not—in fact or by law—  
10 meet the *Bruen* definition of a “sensitive place.” They refrain from exercising this  
11 constitutional right out of legitimate fear of criminal prosecution.

12           93. Accordingly, Plaintiffs seek declaratory relief that (1) the State’s  
13 expansive list of “sensitive places” fails the *Heller-Bruen* test and (2) as written, SB  
14 2’s restriction on CCW permit holders possessing a firearm or ammunition in  
15 places that are not historically sensitive violates the Second and Fourteenth  
16 Amendments.

17           94. Plaintiffs also seek preliminary and permanent injunctive relief to halt  
18 the enforcement of SB 2, now codified as Penal Code Section 26230, except for  
19 those places where carry would have been illegal before the passage of SB 2.

#### 20                   **DECLARATORY RELIEF ALLEGATIONS**

21           95. There is an actual and present controversy between the parties.  
22 Plaintiffs contend that SB 2 is unconstitutional, both facially and as applied to  
23 them, because it precludes Plaintiffs and other law-abiding individuals from  
24 exercising their enumerated rights to publicly bear arms in *non*-sensitive places.  
25 Plaintiffs anticipate that Defendants will deny and dispute this contention.  
26 Plaintiffs desire a judicial declaration of their rights and of the duties of the State on  
27 this question.  
28



1           96. Specifically, Plaintiffs contend that the following subsections of  
2 section 26230 are unconstitutional, both facially and as applied to Plaintiffs (except  
3 as noted in footnotes):

4           (5) A building, parking area, or portion of a building under the control  
5 of a unit of local government, unless the firearm is being carried for  
6 purposes of training pursuant to Section 26165.<sup>21</sup>

7           (7) A building, real property, and parking area under the control of a  
8 public or private hospital or hospital affiliate, mental health facility,  
9 nursing home, medical office, urgent care facility, or other place at  
10 which medical services are customarily provided.

11           (8) A bus, train, or other form of transportation paid for in whole or in  
12 part with public funds, and a building, real property, or parking area  
13 under the control of a transportation authority supported in whole or in  
14 part with public funds.

15           (9) A building, real property, and parking area under the control of a  
16 vendor or an establishment where intoxicating liquor is sold for  
17 consumption on the premises.<sup>22</sup>

18           (11) A playground or public or private youth center, as defined in  
19 Section 626.95, and a street or sidewalk immediately adjacent to the  
20 playground or youth center.

21           (12) A park, athletic area, or athletic facility that is open to the public  
22 and a street or sidewalk immediately adjacent to those areas, provided  
23 this prohibition shall not apply to a licensee who must walk through  
24 such a place in order to access their residence, place of business, or  
25 vehicle.

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26           <sup>21</sup> For this subsection, Plaintiffs raise an as-applied challenge to the  
27 restriction on carry in any “building” or “portion of a building under the control of a  
28 unit of local government” that is of a type challenged by Plaintiffs in this lawsuit.  
For example, a municipal library is a building typically under the control of a local  
government, and Plaintiffs have separately challenged the restriction on carry in  
libraries. Plaintiffs also bring an as-applied challenge to the restriction on carry in  
any parking area “under the control of a local government.” *See* ¶ 98 *infra*.

<sup>22</sup> For this subsection, Plaintiffs raise only an as-applied challenge as to  
restaurants that serve alcohol. They do not challenge restrictions on carry while  
drinking, nor do they challenge restrictions on carry in bars and nightclubs. Instead,  
they are concerned with being excluded from carrying in restaurants and similar  
establishments that primarily serve food but also happen to serve alcohol.

(13) Real property under the control of the Department of Parks and Recreation or Department of Fish and Wildlife, except those areas designated for hunting pursuant to Section 5003.1 of the Public Resources Code, Section 4501 of Title 14 of the California Code of Regulations, or any other designated public hunting area, public shooting ground, or building where firearm possession is permitted by applicable law.

(14) Any area under the control of a public or private community college, college, or university, including, but not limited to, buildings, classrooms, laboratories, medical clinics, hospitals, artistic venues, athletic fields or venues, entertainment venues, officially recognized university-related organization properties, whether owned or leased, and any real property, including parking areas, sidewalks, and common areas.<sup>23</sup>

(15) A building, real property, or parking area that is or would be used for gambling or gaming of any kind whatsoever, including, but not limited to, casinos, gambling establishments, gaming clubs, bingo operations, facilities licensed by the California Horse Racing Board, or a facility wherein banked or percentage games, any form of gambling device, or lotteries, other than the California State Lottery, are or will be played.<sup>24</sup>

(17) A building, real property, or parking area under the control of a public library.<sup>25</sup>

(22) A church, synagogue, mosque, or other place of worship, including in any parking area immediately adjacent thereto, unless the operator of the place of worship clearly and conspicuously posts a sign at the entrance of the building or on the premises indicating that licenseholders are permitted to carry firearms on the property. Signs shall be of a uniform design as prescribed by the Department of Justice and shall be at least four inches by six inches in size.

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<sup>23</sup> Plaintiffs challenge this subsection only as applied to hospitals owned by a college or university that are not on a college campus. For example, there are many UCLA hospitals and medical facilities throughout Los Angeles that are not themselves on school grounds. Plaintiffs contend those are not sensitive.

<sup>24</sup> Plaintiffs challenge this subsection as applied to places that sell lottery tickets, with Plaintiffs' particular concern being that they will not be able to carry while stopping at nearly any gas station in the state.

<sup>25</sup> Plaintiffs do not challenge this restriction as to libraries found within other places deemed sensitive by Penal Code section 26230, which Plaintiffs have not challenged in this lawsuit (e.g., a school library or a law library in a courthouse).

1 (23) A financial institution or parking area under the control of a  
2 financial institution.

3 (26) Any other privately owned commercial establishment that is open  
4 to the public, unless the operator of the establishment clearly and  
5 conspicuously posts a sign at the entrance of the building or on the  
6 premises indicating that licenseholders are permitted to carry firearms  
7 on the property. Signs shall be of a uniform design as prescribed by the  
8 Department of Justice and shall be at least four inches by six inches in  
9 size.

10 97. Plaintiffs also challenge each and every subpart of section 26230 as to  
11 the “parking areas” portions of the law, except when a given parking area is already  
12 off-limits for carry due to a law other than section 26230. For example, Plaintiffs do  
13 not challenge restrictions on carrying in the parking areas of school zones because  
14 carry is also restricted in such parking areas under California’s Gun Free School  
15 Zones Act. As an additional example, parking lots of federal facilities generally  
16 also prohibit carry under existing federal law, meaning that Plaintiffs do not  
17 challenge the parking lots restriction found in section 26230(a)(21), which is  
18 applicable to nuclear facilities monitored by the federal Nuclear Regulatory  
19 Commission.

20 98. Declaratory relief, in addition to injunctive relief, or in the alternative,  
21 is necessary to immunize individual plaintiffs, and the officer, directors, and  
22 members of the institutional/associational plaintiffs from firearm regulations that  
23 violate the Second Amendment, and to create record of the habit, pattern, and  
24 custom of California’s likely continuing wrongful conduct that violates the U.S.  
25 Constitution.

### 26 **INJUNCTIVE RELIEF ALLEGATIONS**

27 99. Injunctive relief is necessary to prevent the State from enforcing SB 2  
28 against people with CCW permits who carry firearms in public. Specifically,  
Plaintiffs will request that this Court permanently enjoin—statewide—the

1 enforcement of California Penal Code section 26230(a), subsections (5), (7), (8),  
2 (9), (11), (12), (13), (14), (15), (17), (22), (23), and (26).<sup>26</sup>

3 100. Plaintiffs also request that this Court enjoin each and every subpart of  
4 section 26230(a) that restricts carry “parking areas,” except when the parking area  
5 already prohibits carry due to existing law other than section 26230.

6 101. Defendants’ enforcement of SB 2 denies Plaintiffs the right to possess  
7 firearms or ammunition in places where they are constitutionally entitled to do so  
8 without subjecting themselves to the risk of criminal prosecution, including for the  
9 lawful purpose of carrying those arms for self-defense.

10 102. If not enjoined by this Court, Defendants (and law enforcement  
11 agencies throughout the state) may enforce SB 2 in violation of Plaintiffs’ Second  
12 and Fourteenth Amendment rights. Plaintiffs have no plain, speedy, and adequate  
13 remedy at law. Damages are indeterminate and unascertainable and would not fully  
14 redress any harm suffered by Plaintiffs to engage in activity protected by the  
15 Second and Fourteenth Amendments.

16 103. The injunctive relief sought would eliminate that irreparable harm and  
17 allow Plaintiffs to exercise their rights to possess a firearm and ammunition in *non*-  
18 sensitive public places, including for self-defense. Accordingly, injunctive relief is  
19 appropriate.

20 **FIRST CLAIM FOR DECLARATORY AND INJUNCTIVE RELIEF**  
21 **U.S. CONST. AMEND. II, XIV**  
22 **RIGHT TO BEAR ARMS**  
23 **42 U.S.C. § 1983**  
**AGAINST ALL DEFENDANTS**

24 104. Plaintiffs hereby reallege and incorporate by reference the allegations  
25 in the foregoing paragraphs as if set forth fully herein.

26 105. SB 2 prohibits Plaintiffs (and similarly situated people) with CCW

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27 <sup>26</sup> For some of these subsections, Plaintiffs advance only as applied  
28 challenges as indicated in this complaint, *supra*.

1 permits from carrying firearms in public for lawful purposes, including self-  
2 defense, in violation of the Constitution.

3 106. Plaintiffs are prohibited from possessing a firearm or ammunition in  
4 places listed in the Penal Code section 26230, which includes areas that are  
5 manifestly *not* “sensitive places” under Supreme Court precedents interpreting the  
6 original meaning of the Second Amendment.

7 107. By prohibiting law-abiding adults, like Plaintiffs, from bearing arms  
8 for self-defense in places where the Second and Fourteenth Amendments guarantee  
9 their rights to do so, SB 2 violates those Amendments.

10 108. Defendants are thus propagating customs, policies, and practices that  
11 deprive California residents, including Plaintiffs, of their constitutional rights to  
12 bear arms for self-defense in *non*-sensitive public places, as guaranteed by the  
13 Second and Fourteenth Amendments.

14 109. Defendants cannot satisfy their burden to justify these customs,  
15 policies, and practices that preclude Plaintiffs from exercising those enumerated  
16 rights.

17 110. Plaintiffs are thus entitled to declaratory and injunctive relief against  
18 such unconstitutional customs, policies, and practices.

### 19 PRAYER

20 WHEREFORE, Plaintiffs request that judgment be entered in their favor and  
21 against Defendants as follows:

22 1. A declaration that SB 2, codified at California Penal Code section  
23 26230(a), includes areas that are not “sensitive places” where restrictions on  
24 firearm and ammunition possession have traditionally been tolerated under the  
25 Second Amendment;

26 2. A declaration that California Penal Code section 26230(a) violates the  
27 Second and Fourteenth Amendments facially and as applied to Plaintiffs, inasmuch  
28

1 as it precludes law-abiding citizens from possessing a firearm or ammunition in  
2 public areas that are not “sensitive places;”

3 3. An order preliminarily and permanently enjoining Defendants and all  
4 other officers, agents, servants, employees, and persons under the authority of the  
5 State, from enforcing California Penal Code Section 26230(a), subsections (5), (7),  
6 (8), (9), (11), (12), (13), (14), (15), (17), (22), (23), and (26);<sup>27</sup>

7 4. Plaintiffs also request that this Court enjoin each and every subpart of  
8 section 26230(a) that restricts carry in “parking areas,” except when the parking  
9 area already prohibits carry due to existing law other than section 26230;

10 5. Nominal damages;

11 6. Costs of suit, including attorney’s fees and costs pursuant to 42 U.S.C.  
12 Section 1988; and

13 7. All other relief the court deems appropriate.

14  
15 Respectfully Submitted,

16 Dated: March 3, 2025

**MICHEL & ASSOCIATES, P.C.**

17  
18 /s/Konstadinos T. Moros  
Konstadinos T. Moros  
19 Counsel for Plaintiffs

20 Dated: March 3, 2025

**LAW OFFICES OF DON KILMER**

21 /s/ Don Kilmer  
22 Don Kilmer  
23 Counsel for Plaintiff The Second Amendment  
24 Foundation

25  
26  
27  
28 <sup>27</sup> For some of these subsections, Plaintiffs advance only as applied  
challenges as indicated in this complaint, *supra*.



**ATTESTATION OF E-FILED SIGNATURES**

I, Konstadinos T. Moros, am the ECF User whose ID and password are being used to file this FIRST AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF. In compliance with Central District of California L.R. 5-4.3.4, I attest that all signatories are registered CM/ECF filers and have concurred in this filing.

Dated: March 3, 2025

/s/Konstadinos T. Moros  
Konstadinos T. Moros

**CERTIFICATE OF SERVICE**  
IN THE UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Case Name: *May, et al. v. Bonta*  
Case No.: 8:23-cv-01696 CJC (ADSx)

IT IS HEREBY CERTIFIED THAT:

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 180 East Ocean Boulevard, Suite 200, Long Beach, California 90802.

I am not a party to the above-entitled action. I have caused service of:

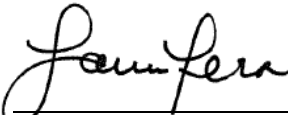
**FIRST AMENDED COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

on the following party by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically notifies them.

Robert L. Meyerhoff, Deputy Attorney General  
California Department of Justice  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013  
Email: [Robert.Meyerhoff@doj.ca.gov](mailto:Robert.Meyerhoff@doj.ca.gov)  
*Attorney for Defendant*

I declare under penalty of perjury that the foregoing is true and correct.

Executed March 3, 2025.

  
\_\_\_\_\_  
Laura Fera